



July 18, 2007

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ALTERNATE  
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Director  
Santa Margarita  
Water District

**JOYCE CROSTHWAITE**  
Executive Officer

**TO:** Local Agency Formation Commission

**FROM:** Executive Officer  
Senior Project Manager

**SUBJECT:** Proposed Sphere of Influence Review for the City of  
Westminster (SOI 06-17)

### **BACKGROUND**

On December 13, 2006, your Commission received and filed the Central Orange County Municipal Service Review (MSR). In the report, staff noted that the MSR process provided an opportunity to explore with the Cities of Huntington Beach and Westminster a potential sphere change and annexation of the Beach/McFadden island, an unincorporated area sandwiched between the two Cities. As a result, the Commission directed staff to meet with the affected agencies and to complete a further review and analysis of potential changes.

### **WESTMINSTER EXISTING SPHERE OF INFLUENCE (SOI)**

The City of Westminster's SOI was originally adopted in 1973 and was last comprehensively reviewed in 1989. The City is located south of the City of Garden Grove, north of cities of Fountain Valley and Huntington Beach, east of City of Seal Beach, and west of City of Santa Ana. The City's existing SOI boundary includes the city boundaries and the small and large unincorporated islands collectively known as Midway City. For the past several years, there have been no annexations to the City.

As directed by the Commission, LAFCO staff met and participated in discussions with the County of Orange and both cities regarding removing the Beach/McFadden area from the City of Huntington Beach's SOI and placing it within the City of Westminster's SOI. The area includes approximately 41 acres, and its residents currently receive municipal services from the County of Orange, City of Westminster (provides water service), and the Midway City Sanitary District (provides local sewer and solid waste services). A sphere change for the area would not change how services are currently provided to the area.

The City of Westminster expressed interest in annexing the area but annexation of the area to the City of Westminster may not be approved until the City's SOI is amended. Should annexation of the area subsequently occur, services currently provided by the County of Orange would be transferred to the City of Westminster. Water, local sewer and solid waste services would continue to be provided by Westminster and Midway City Sanitary District.

Staff recommends that the Commission amend the current City of Westminster sphere of influence to include the Beach/McFadden unincorporated area (See Exhibit 1) by adopting resolution SOI 06-17 (Attachment A) and the SOI statement of determinations for the city (Attachment B). The City of Huntington Beach has not expressed opposition to the sphere change (Attachments C and D). There are no other significant issues for the City of Westminster current SOI.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

LAFCO is the lead agency under CEQA (California Environmental Quality Act) for sphere of influence reviews. Staff completed an initial study, and it was determined that amendment of the sphere of influence for the City of Westminster would not have a significant effect on the environment as determined by CEQA. Accordingly, a Draft Negative Declaration (Attachment E) was prepared and noticed in accordance with existing guidelines for implementing CEQA.

Additionally, staff recommends that the Commission certify that, based upon the Negative Declaration, the Sphere of Influence Review and Update of the City of Huntington Beach will have no potential effect on fish, wildlife and habitat, as defined in Section 711.4(c) of the Fish and Game Code. An exemption request has been filed with the California Department of Fish and Game and is referenced as Attachment F.


#### **RECOMMENDATIONS**

Staff recommends that the Commission:

1. Adopt the form of resolution for the City of Westminster Sphere of Influence Review and Update (SOI 06-17) amending the current SOI for the City of Westminster to include the Beach/McFadden island (Attachment A).
2. Adopt the SOI Statement of Determinations for the City of Westminster (Attachment B).
3. Adopt the Draft Negative Declaration prepared for the proposed City of Westminster Sphere of Influence Review and Update (Attachment E).
4. Certify the Finding Statements for the California Department of Fish and Game (Attachment F).

Respectfully submitted,

  
JOYCE CROSTHWAITE

  
CAROLYN EMERY

- Attachment A: LAFCO Resolution – SOI Review & Update
  - Attachment B: SOI Statement of Determinations for City of Westminster
  - Attachment C: Letter of Support – City of Huntington Beach
  - Attachment D: Letter of Support – City of Westminster
  - Attachment E: DRAFT Negative Declaration for City of Huntington Beach SOI Review & Update
  - Attachment F: Finding Statement for California Department of Fish and Game
- Exhibit 1: Amended Sphere of Influence for City of Westminster

SOI 06-17

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF ORANGE COUNTY, CALIFORNIA**

**MAKING DETERMINATIONS AND APPROVING THE  
SPHERE OF INFLUENCE FOR THE CITY OF WESTMINSTER**

**July 18, 2007**

On motion of Commissioner \_\_\_\_\_, duly seconded and carried, the following resolution was adopted:

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission ("LAFCO") adopt Spheres of Influence for all agencies in its jurisdiction and to update those spheres every five years; and

WHEREAS, the Sphere of Influence is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and

WHEREAS, proceedings for adoption, update and amendment of a Sphere of Influence are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code; and

WHEREAS, California Government Code Section 56430 requires that in order to prepare and to update Spheres of Influence the Commission shall conduct Municipal Service Reviews prior to or in conjunction with action to update or adopt a sphere of influence; and

WHEREAS, the Orange County LAFCO staff has prepared a report for the Municipal Service Review (MSR 06-11), as an accompanying report to the Sphere of Influence update for the City of Westminster (SOI 06-17) and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the report for the Sphere of Influence update for the City of Westminster (SOI 06-17) contains statements of determination as required by California Government Code Section 56430 for the municipal services provided by the city; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56427, set July 18, 2007 as the hearing date on this Sphere of Influence study proposal and gave the required notice of public hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56428, has reviewed this proposal and prepared a report, including her recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the proposal consists of the designation and amendment of a sphere of influence for the City of Westminster; and

WHEREAS, this Commission called for and held a public hearing on the proposal on July 18, 2007, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56841; and

WHEREAS, LAFCO, as the lead agency under CEQA (California Environmental Quality Act) for sphere of influence reviews, completed an initial study and determined that adoption and amending of the sphere of influence for the City of Westminster would not have a significant effect on the environment as defined in CEQA.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Orange DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. Environmental Actions:

- a) LAFCO, as the lead agency, has determined that adoption and amendment of the sphere of influence for the City of Westminster will not have a significant effect on the environment as defined in CEQA. The Commission has therefore adopted a Negative Declaration for the sphere of influence review.

- b) The Executive Officer is instructed to file the Negative Declaration with the County Clerk in accordance with CEQA.
- c) The sphere of influence review and update will have no potential effect on fish, wildlife and habitat, as defined in Section 711.4(c) of the Fish and Game Code. An exemption request has been filed with the California Department of Fish and Game.

Section 2. Determinations

- a) The Commission accepts the report for the sphere of influence review and update for the City of Westminster (SOI 06-17) as presented to the Commission on July 18, 2007.
- b) The Executive Officer's staff report and recommendation for approval and amendment of the sphere of influence update of the City of Westminster to include the unincorporated Beach/McFadden area in the City of Westminster sphere of influence, dated July 18, 2007, are hereby adopted.
- b) The Commission has adopted the accompanying Statement of Determinations for the City of Westminster, shown as "Attachment A."
- c) The Commission hereby amends the City of Westminster's current sphere of influence as previously determined by Resolution No. 73-201 as shown on the attached map labeled "Exhibit 1."

Section 3. This review is assigned the following distinctive short-form designation: "Sphere of Influence Update for the City of Westminster" (SOI 06-17).

Section 4. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Section 56882 of the Government Code.

AYES:

NOES:

STATE OF CALIFORNIA )

) SS.

COUNTY OF ORANGE )

I, \_\_\_\_\_, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 18<sup>th</sup> day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day of July, 2007.

BILL CAMPBELL  
Chair of the Orange County  
Local Agency Formation Commission

By: \_\_\_\_\_  
Bill Campbell



**Statement of Determinations –**  
**City of Westminster Beach Sphere of Influence Review and Update**

(As adopted by the Commission on July 18, 2007)

**The present and planned land uses in the area, including agricultural and open-space lands.**

Development within the City of Westminster's existing and adjacent boundaries is largely built-out. The city's incorporated boundaries include approximately 10.2 square miles located in Northern Orange County. The City is located south of the City of Garden Grove, north of cities of Fountain Valley and Huntington Beach, east of City of Seal Beach, and west of City of Santa Ana. The City's current SOI boundary includes the city boundaries and the small and large unincorporated islands located in Midway City.

**The present and probable need for public facilities and services.**

The present and future need for services is addressed through the City of Westminster's General Plan, budget, and capital improvement program to ensure that city services match projected growth. Present and future need for local sewer and solid waste facilities and services are addressed through the Midway City Sanitary District sewer master plans and strategic efforts.

**The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The City of Westminster and other service providers have adequate capacity and facilities to serve current and future land uses located within and adjacent to the city's jurisdictional boundaries.

**The existence of any social or economic communities of interest in the area (if the commission determines that they are relevant to the agency).**

The residences, industries and commercial facilities that are located within city limits and adjacent unincorporated communities share social and economic interest in their activities. In the December 18, 2006 Central Orange County Municipal Service Review report, it was noted that there may be common social and economic communities of interest involving residents of the City and the small unincorporated area located at Beach and McFadden Avenues. Currently, the city provides water service to the area and local sewer and solid waste services are provided by the Midway City Sanitary District, which also provides the same service to residents of Westminster.



## **Statement of Determinations – City of Westminster Beach Sphere of Influence Review and Update**

(As adopted by the Commission on July 18, 2007)

### **The present and planned land uses in the area, including agricultural and open-space lands.**

Development within the City of Westminster's existing and adjacent boundaries is largely built-out. The city's incorporated boundaries include approximately 10.2 square miles located in Northern Orange County. The City is located south of the City of Garden Grove, north of cities of Fountain Valley and Huntington Beach, east of City of Seal Beach, and west of City of Santa Ana. The City's current SOI boundary includes the city boundaries and the small and large unincorporated islands located in Midway City.

### **The present and probable need for public facilities and services.**

The present and future need for services is addressed through the City of Westminster's General Plan, budget, and capital improvement program to ensure that city services match projected growth. Present and future need for local sewer and solid waste facilities and services are addressed through the Midway City Sanitary District sewer master plans and strategic efforts.

### **The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The City of Westminster and other service providers have adequate capacity and facilities to serve current and future land uses located within and adjacent to the city's jurisdictional boundaries.

### **The existence of any social or economic communities of interest in the area (if the commission determines that they are relevant to the agency).**

The residences, industries and commercial facilities that are located within city limits and adjacent unincorporated communities share social and economic interest in their activities. In the December 18, 2006 Central Orange County Municipal Service Review report, it was noted that there may be common social and economic communities of interest involving residents of the City and the small unincorporated area located at Beach and McFadden Avenues. Currently, the city provides water service to the area and local sewer and solid waste services are provided by the Midway City Sanitary District, which also provides the same service to residents of Westminster.



# City of Huntington Beach

2000 Main Street • Huntington Beach, CA 92648

Penelope Culbreth-Graft, DPA *City Administrator*

April 3, 2007

RECEIVED  
APR 6 2007

LOCAL AGENCY FORMATION COMMISSION

Ms. Joyce Crosthwaite, Executive Officer  
Ms. Carolyn Emery, Senior Project Manager  
Orange County Local Agency Formation Commission  
12 Civic Center Plaza, Room 235  
Santa Ana, CA 92701

**Subject: Huntington Beach Sphere of Influence**

Dear Ms. Crosthwaite/Ms. Emery:

Per your request, Huntington Beach city staff has reviewed the proposed amendment to the City's sphere of influence as it relates to the unincorporated island northwest of Beach Blvd. and McFadden adjacent to the City of Westminster.

Huntington Beach city staff would support a sphere amendment designating this island be incorporated within the City of Westminster's sphere of influence. Should you have any questions, please contact Paul Emery, Deputy City Administrator, at (714) 536-5482.

Sincerely,

Dr. Penelope Culbreth-Graft  
City Administrator



# City of Westminster

CIVIC CENTER  
8200 WESTMINSTER BOULEVARD  
WESTMINSTER, CALIFORNIA 92683  
(714) 898-3311

MARGIE L. RICE  
MAYOR

KERMIT D. MARSH  
MAYOR PRO TEM

FRANK G. FRY  
COUNCIL MEMBER

ANDY QUACH  
COUNCIL MEMBER

TRI TA  
COUNCIL MEMBER

RAMON SILVER  
CITY MANAGER

April 12, 2007

Ms. Joyce Crosthwaite, Executive Director  
Orange County Local Agency Formation Commission  
12 Civic Center Plaza, Room 235  
Santa Ana, CA 92701

**Subject: City of Westminster Sphere of Influence**

Dear Ms. Crosthwaite:

At their April 11, 2007 meeting, the Westminster Mayor and City Council approved the sending of a letter of support to the Local Agency Formation Commission (LAFCO) supporting the change of the Beach/McFadden Island to the City of Westminster Sphere of Influence.

The purpose of this letter is to notify you of the Council's action to support this Sphere change. The City looks forward to working with you and the County on the completion of the Fiscal Analysis.

Sincerely,

Ramon Silver  
City Manager

CC: Thomas Mauk, County of Orange  
Chief Executive Officer

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APR 17 2007

LOCAL AGENCY FORMATION COMMISSION

**DRAFT NEGATIVE DECLARATION**

1.	Name or description of project:	City of Westminster Sphere of Influence Review and Update (SOI 06-17)
2.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	The City of Westminster is approximately 10.2 square miles and is located south of the City of Garden Grove, north of cities of Fountain Valley and Huntington Beach, east of City of Seal Beach, and west of City of Santa Ana. The City's SOI boundary includes the city boundaries and the small and large unincorporated islands located in Midway City.
3.	Entity or Person undertaking project:	Orange County Local Agency Formation Commission (LAFCO) 12 Civic Center Plaza Room 235 Santa Ana, CA 92701
A.		
B. Other (Private)		
(1) Name:		
(2) Address:		
<p>The Commission, having reviewed the Initial Study of this proposed project and having reviewed the written comments received prior to the public meeting of the Commission, including the recommendation of the Commission's Staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. A brief statement of the reasons supporting the Commission's findings are as follows:</p> <p>The Commission hereby finds that the proposed project cannot, or will not, have a significant effect on the environment. Negative Declaration status is therefore granted for this project and preparation of an Environmental Impact Report is thereby not necessary</p> <p>The Commission hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study may be obtained at:</p> <p style="text-align: center;">Orange County Local Agency Formation Commission (LAFCO) 12 Civic Center Plaza Room 235 Santa Ana, CA 92701</p>		
Phone No.:		(714) 834-2556
<p>The location and custodian of the documents and any other material which constitute the record of proceedings upon which the Agency based its decision to adopt this Negative Declaration are as follows:</p> <p style="text-align: center;">Orange County Local Agency Formation Commission (LAFCO) 12 Civic Center Plaza Room 235 Santa Ana, CA 92701</p>		
Phone No.:		(714) 834-2556

Date Received  
for Filing: \_\_\_\_\_

\_\_\_\_\_  
Joyce Crosthwaite, Executive Officer



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>  
Environmental Review and Permitting  
1416 Ninth Street, Suite 1260  
Sacramento, California 95814



ATTACHMENT F

## CEQA Filing Fee No Effect Determination Form

**Applicant Name:** Orange County LAFCO

**Date Submitted:** 7/06/07

**Applicant Address:** 12 Civic Center Plaza, Room 235, Santa Ana, CA 92701

**Project Name:** City of Westminster Sphere of Influence Review and Update

**CEQA Lead Agency:** Orange County LAFCO

**CEQA Document Type:** (ND, MND, EIR) ND

**SCH Number and/or local agency ID number:** SOI 06-17

**Project Location:** The City of Westminster is approximately 10.2 square miles and is located south of the City of Garden Grove, north of cities of Fountain Valley and Huntington Beach, east of City of Seal Beach, and west of City of Santa Ana. The City's SOI boundary includes the city boundaries and the small and large unincorporated islands located in Midway City.

**Brief Project Description:** In accordance with Government Code Section 56425, LAFCO is required to review an agency's sphere of influence every five years. LAFCO is required to establish a sphere of influence to identify probable future boundaries and service areas of all cities and special districts. Placing a community within a city's sphere of influence does not change the current municipal service providers to that area, but it does indicate that LAFCO has determined that the city is the logical, long-term service provider for that area.

The existing sphere of influence for the City of Westminster is coterminous with the city's jurisdictional boundary and also includes unincorporated Midway City community. The proposed sphere of influence review for the City of Westminster includes the city's jurisdictional boundary, unincorporated Midway City, and adding a 41-acre small unincorporated area located at Beach and McFadden Avenues. The area commonly referred to as the "Beach/McFadden" area currently receives its municipal services from the County of Orange (police, fire, planning, building permits, etc.) and the City of Westminster (water), and Midway City Sanitary District (sewer and solid waste). Including the Beach/McFadden unincorporated area within the City of Westminster sphere of influence has no effect on current service providers to the area or the City of Westminster.

The attached maps show the former sphere of influence for the City of Westminster and the new sphere of influence which includes the Beach/McFadden unincorporated area.

**Determination:** Based on a review of the Project as proposed, the Department of Fish and Game has determined that for purposes of the assessment of CEQA filing fees [F&G Code 711.4(c)] the project has no potential effect on fish, wildlife and habitat and the project as described does not require payment of a CEQA filing fee. This determination does not in any way imply that the project is exempt from CEQA and does not determine the significance of any potential project effects evaluated pursuant to CEQA.

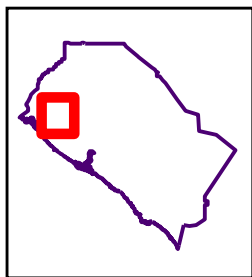
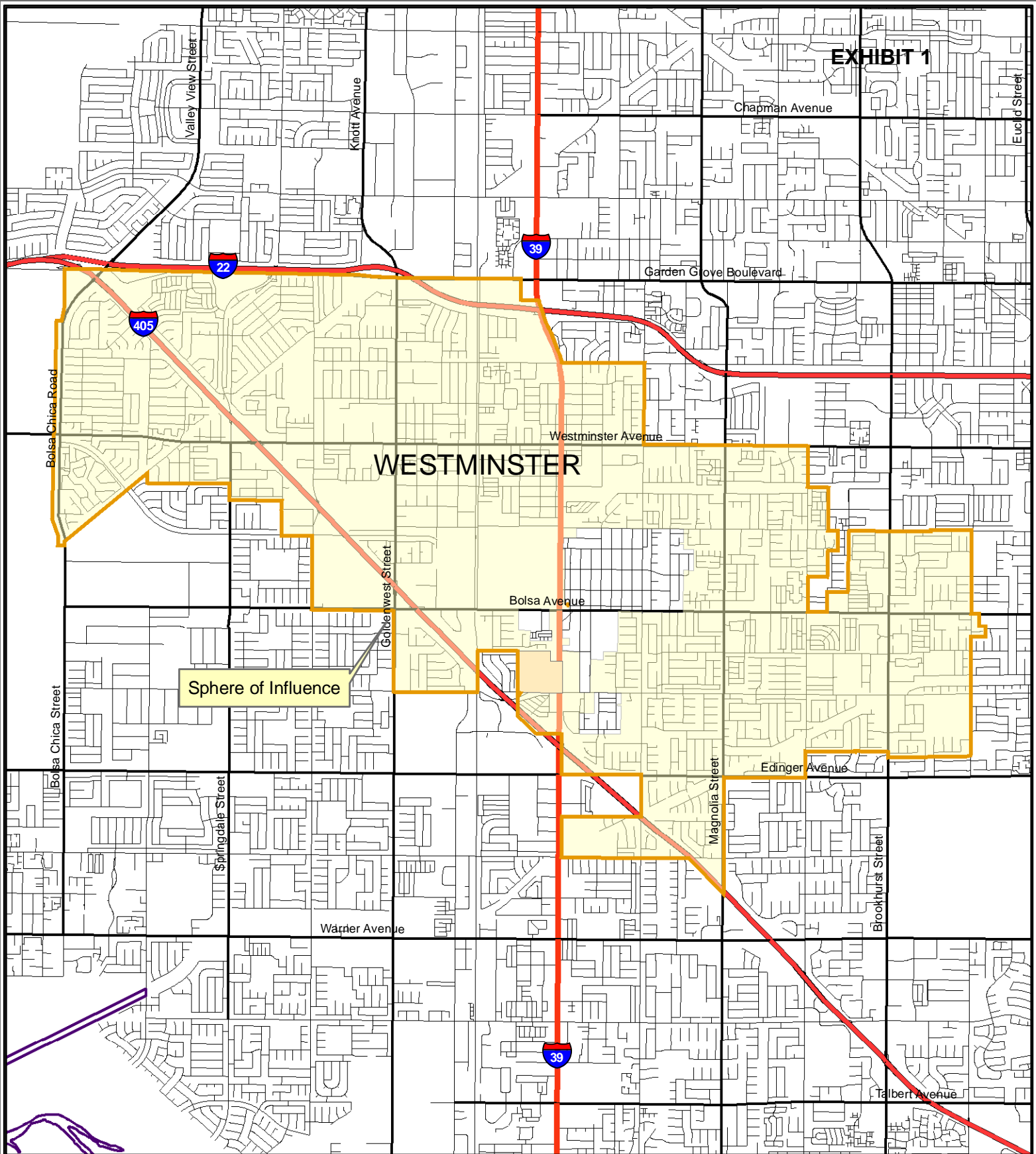
Please retain this original determination for your records; you are required to file a copy of this determination with the County Clerk after your project is approved and at the time of filing of the CEQA lead agency's Notice of Determination (NOD). If you do not file a copy of this determination with the County Clerk at the time of filing of the NOD, the appropriate CEQA filing fee will be due and payable.

Without a valid No Effect Determination Form or proof of fee payment, the project will not be operative, vested, or final and any local permits issued for the project will be invalid, pursuant to Fish and Game Code Section 711.4(c)(3).

DFG Approval By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_





0 0.25 0.5 1 1.5 2 Miles



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#### Legend

- Westminster Proposed SOI
- City of Westminster
- Beach/McFadden Island

## City of Westminster Sphere of Influence Map Proposed Adjustment

SOI Originally Adopted: 12/12/73  
Last Reviewed: 12/13/06

7/5/07